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F.# 2018R01047

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

ORDER FOR INTERLOCUTORY SALE

- against -

Criminal Action No. CR 19-582 (DRH)

FRANCIS CABASSO, et. al.

Defendants.

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WHEREAS, on or about December 9, 2019, the above-captioned indictment seeks forfeiture against, among others, the defendants Jack Cabasso, Francis Cabasso, and Aventura Technologies, Inc. Included in the forfeiture allegation is an approximately seventy-foot luxury recreational yacht named “Tranquilo,” registered in the name of the Aventura Group, Inc., an entity owned and controlled by the defendant Frances Cabasso, bearing hull identification number XAX68S47C606, and Coast Guard Number 1194245, (“the Yacht”);

WHEREAS, the government has filed with the Court a motion for interlocutory sale of the Yacht pursuant to Fed. R. Crim. P. 32.2(b)(7) and Supplemental Rule G(7)(b) of the Fed. R. Civ. P. which is incorporated therein by reference; and

WHEREAS, based on all the proceedings and submissions in connection with this matter, the Court finds good cause to grant the motion for interlocutory sale of the Yacht pending any final disposition of this ongoing criminal action.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND
DECREED as follows:

1. The United States Marshals Service or its contractor shall proceed to market and sell the Yacht in a commercially feasible manner and consistent with all laws, policies and applicable regulations applied by the United States Marshals Service to sell forfeited assets.

2. The United States Marshals Service shall deposit the net proceeds (i.e. after deducting any expenses incurred in the storage, maintenance, marketing and sale of the Yacht) of the sale of the Yacht in an interest-bearing account subject to further order of this Court.

3. This Order is intended solely to permit the interlocutory sale of the Yacht and to permit any and all net proceeds to remain in the custody of the United States Marshals Service pending a final resolution of the forfeiture allegations as to the Yacht and the other forfeitable properties alleged in the Indictment in this pending criminal action. The net proceeds shall remain available for potential forfeiture in this pending criminal action in lieu of the Yacht.

4. The purchaser of the Yacht shall take title to the Yacht free and clear of any claims, liens, or encumbrances.

5. Nothing in this Order shall be deemed to be used and/or interpreted by any of the defendants or any potential third party regarding any potential validity, viability, or legality of any right, title or interest in the Yacht or the net proceeds in lieu of the Yacht.

6. The Court shall retain jurisdiction over this action to effectuate the terms

of this Order.

7. The Clerk of Court shall docket, file and forward three (3) certified copies of this Order to the United States Attorney's Office, Eastern District of New York, 271-A Cadman Plaza East, Brooklyn, New York 11201 Att: Claire S. Kedeshian, Assistant U.S. Attorney.

SO ORDERED:
on this ____ day of _____, 2021

HONORABLE DENNIS R. HURLEY
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK